

AN ORDINANCE **97510**

**APPROVING THE ASSIGNMENT OF OPUS SOUTH CORPORATION'S INTEREST IN THE CITY'S TAX PHASE-IN AGREEMENT WITH PACIFICARE HEALTHCARE SERVICES AND OPUS SOUTH CORPORATION TO WELLS OPERATING PARTNERSHIP, L.P. DUE TO WELL'S PURCHASE OF THE REAL PROPERTY SUBJECT TO THIS AGREEMENT.**

\* \* \* \* \*

**WHEREAS**, a Tax Phase-In Agreement (the "Agreement") with Pacificare Healthcare Services ("Pacificare") and Opus South Corporation ("Opus") was originally approved on February 3, 2000 by City Council Ordinance No. 91232; and

**WHEREAS**, the six year, 100% real property improvement tax abatement Agreement was executed on April 12, 2000 for property owned by Opus at 6200 Northwest Parkway and leased by Pacificare, for a term beginning January 1, 2001 through December 31, 2006; and

**WHEREAS**, Opus constructed a 140,000 square foot Information/Business Services office facility which Pacificare uses to house its customer service, finance and accounting functions for its Southwest Region, creating approximately 200 permanent full-time jobs paying an hourly wage of at least \$9.43; and

**WHEREAS**, Opus and Pacificare jointly invested \$20,700,000.00 in site preparation, development and construction of the facility and both are in compliance with the terms of the Agreement; and

**WHEREAS**, on July 12, 2002, Opus sold the real property the subject of this Agreement to Wells Operating Partnership, a nationally-recognized real estate investment firm that currently manages more than \$1.9 billion in assets for approximately 60,000 investors and which specializes in the acquisition of income-producing office and industrial properties that are pre-leased long-term to Fortune 500-caliber tenants; and

**WHEREAS**, pursuant to Section 11 of the Agreement, City Council approval is required to assign the interests and responsibilities from Opus to Wells; and

**WHEREAS**, the City Council finds that the assignment is a reasonable incentive to induce Pacificare to stay in San Antonio as the location for their expansion; and

**WHEREAS**, the City Council further finds that it is in the best interest of the City of San Antonio to approve this assignment; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Council of the City of San Antonio hereby authorizes the assignment of Opus South Corporations's interests and responsibilities in the City's Tax Phase-In Agreement with Opus and PacifiCare to Wells Operating Partnership, L.P. A copy of the Amendment to the Agreement, signed in counterparts, is attached hereto and incorporated herein as Exhibit "A".

**SECTION 2.** The City Manager or a designated representative is authorized, for a forty-five (45) day period from the effective date of this ordinance, to execute an Amendment as approved in Section 1. The final Amendment shall be filed with this Ordinance upon execution.

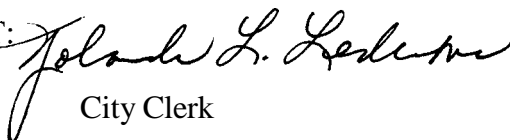
**SECTION 3.** This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 24<sup>th</sup> day of April, 2003.

  
M A Y O R

**EDWARD D. GARZA**

ATTEST:

  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_

  
for City Attorney